

The Gazette of India



PUBLISHED BY AUTHORITY

No. 17] NEW DELHI, SATURDAY, APRIL, 29, 1961/VAISAKHA 9, 1883

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 18th April, 1961 :—

Issue No.	No. and Date	Issued by	Subject
85.	S.O. 852, dated 12th April, 1961.	Ministry of Information and Broadcasting.	Approval of film specified therein.
86.	S.O. 853, dated 12th April, 1961.	Ministry of Commerce and Industry.	Granting recognition to the Om Oils and Oilseeds Exchange Ltd., Delhi, in respect of forward contracts in groundnut oil.
	S.O. 854, dated 12th April, 1961.	Do.	Granting recognition to the Om Oils and Oilseeds Exchange Ltd., Delhi, in respect of forward contracts in rapeseed and mustardseed.
87.	S.O. 855, dated 13th April, 1961.	Election Commission, India.	Amendment to S.O. 2149, dated 26th September, 1959.
88.	S.O. 856, dated 14th April, 1961.	Do.	Proposals regarding section 3 of the Two-Member Constituencies (Abolition) Act, 1961, as respects West Bengal State.
89.	S.O. 857, dated 14th April, 1961.	Cabinet Secretariat	Amendment by the President in the Govt. of India (Allocation of Business) Rules, 1961.
90.	S.O. 858, dated 15th April, 1961.	Ministry of Finance.	Amalgamation of the Bank of Kerala Ltd., with the Canara Bank Ltd.
91.	S.O. 859, dated 15th April, 1961.	Ministry of Law.	The Conduct of Election's Rules, 1961.
92.	S.O. 860, dated 17th April, 1961.	Ministry of Home Affairs.	Amendment to S.O. 2297, dated 3rd November, 1958.
93.	S.O. 861, dated 17th April, 1961.	Cabinet Secretariat.	Amendment in the Government of India (Allocation of Business) Rules, 1961.
94.	S.O. 862, dated 17th April, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.

Issue No.	No. and Date	Issued by	Subject
95.	S.O. 863, dated 18th April, 1961.	Election Commission, India.	Proposals regarding section 3 of the Two-Member Constituencies (Abolition) Act, 1961, as respects Maharashtra State.
96.	S.O. 864, dated 18th April, 1961.	Do.	Proposals regarding section 3 of the Two-Member Constituencies (Abolition) Act, 1961, as respects Madhya Pradesh State.
97.	S.O. 865, dated 18th April, 1961.	Do.	Corrigendum to S.O. 67, dated 27th March, 1961.
	S.O. 866, dated 18th April, 1961.	Do.	Corrigendum to S.O. 660, dated 24th March, 1961.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II--Section 3--Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 22nd April 1961

S.O. 920.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, (published as S.O. 2614 in the Gazette of India, dated the 20th December, 1958), namely:—

Amendment No. 92

In Schedule I to the Rules, under "I-Ministry of Home Affairs", insert the following:—

"10-Director of Co-ordination (Police Wireless), New Delhi".

(This amendment takes effect from the 3rd April, 1961).

[No. 19(5)-E.II(A)/61.]

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 15th April, 1961

S.O. 921.—Statement of the Affairs of the Reserve Bank of India, as on the 7th April, 1961

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	9,88,29,000
Reserve Fund	80,00,00,000	Rupee Coin	2,37,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	6,40,000
National Agricultural Credit (Stabilisation) Fund	5,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	55,54,67,000
Deposits :—			
(a) Government			
(1) Central Government	54,56,43,000	Balances held abroad*	11,31,13,000
(2) Other Governments	8,31,49,000	Loans and Advances to Governments**	70,69,27,000
(b) Banks	70,59,62,000	Other Loans and Advances†	146,78,32,000
(c) Others	89,41,86,000	Investments	125,20,72,000
Bills Payable	37,71,66,000	Other Assets	19,96,17,000
Other Liabilities	48,86,28,000		
RUPEES	439,47,34,000	RUPEES	439,47,34,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 33,63,50,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 12th day of April, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of April, 1961.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	9,88,29,000		A. Gold Coin and Bullion :—		
			(a) Held in India . . .	117,76,03,000	
Notes in circulation . . .	2039,91,08,000		(b) Held outside India . . .	..
Total Notes issued . . .		2049,79,37,000	Foreign Securities . . .	123,00,89,000	
			TOTAL OF A . . .		240,76,92,000
			B. Rupee Coin . . .		121,82,20,000
			Government of India Rupee Securities . . .		1687,20,25,000
			Internal Bills of Exchange and other commercial paper . . .		..
TOTAL LIABILITIES . . .		2049,79,37,000	TOTAL ASSETS . . .		2049,79,37,000

Dated the 12th day of April, 1961.

M. V. RANGACHARI,
Deputy Governor.

[No. F. 3(2)-BC/61.]

New Delhi, the 19th April, 1961

S.O. 922.—Statement of the Affairs of the Reserve Bank of India as on the 14th April, 1961

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	10,78,17,000
Reserve Fund	80,00,00,000	Rupee Coin	2,33,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	6,53,000
National Agricultural Credit (Stabilisation) Fund	5,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	64,72,96,000
Deposits :—			
(a) Government		Balances held abroad*	9,97,80,000
(1) Central Government	68,67,52,000	**Loans and Advances to Governments	88,17,11,000
(2) Other Governments	3,98,96,000	Other Loans and Advances†	142,60,67,000
(b) Banks	73,70,23,000	Investments	120,74,19,000
(c) Others	94,19,24,000	Other Assets	20,11,37,000
Bills Payable	34,76,12,000		
Other Liabilities	51,89,06,000		
RUPEES	457,21,13,000	RUPEES	457,21,13,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 33,29,50,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 19th day of April, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 14th day of April, 1961

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	10,78,17,000		A. Gold Coin and Bullion :—		
Notes in circulation	2038,53,33,000		(a) Held in India	117,76,03,000	
Total Notes issued		2049,31,50,000	(b) Held outside India . . . .	..
			Foreign Securities	118,00,89,000	
			TOTAL OF A		235,76,92,000
			B. Rupee Coin		121,43,73,000
			Government of India Rupee Securities		1692,10,85,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES		2049,31,50,000	TOTAL ASSETS		2049,31,50,000

Dated the 19th day of April, 1961.

H. V. R. IENGAR,
Governor.

[No. F.3(2)-BC/61.]

A. BAKSI, Jt. Secy.

(Department of Economic Affairs)**CORRIGENDUM***New Delhi, the 17th April 1961*

S.O. 923.—In Part II of the Schedule to this Department's Notification No. S.O. 1670 dated the 14th June, 1960, against S. No. 6, Lower Division Clerk, under Col. 8:

For "Matriculation or equivalent examination" Read "Matriculation or equivalent examination until replaced by Higher Secondary".

[No. F. 19(6)-NS/56.]

M. L. VARMA, Under Secy.

(Department of Economic Affairs)**(INSURANCE)***New Delhi, the 14th April 1961*

S.O. 924.—In exercise of the powers conferred by the first proviso to section 2C of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to exempt the Boda Brothers Private Limited, an insurer incorporated in the State of Maharashtra as a private Company, from the operation of the said section for a period of three years only from 5th April, 1961, for the purpose of carrying on, as an insurer specified in section 2(9)(c) of the said Act, fire insurance business within the States.

[No. 100-IE(2)/61.]

B. K. KAUL, Joint Secy.

(Department of Revenue)**INCOME-TAX ESTABLISHMENTS***New Delhi, the 22nd April 1961*

S.O. 925.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri Jogendra Pathak, Income-tax Officer, as Junior Authorised Representative, Income-tax Appellate Tribunal, with effect from the afternoon of the 12th May, 1960, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 80.]

D. SUBRAMANIAM, Dy., Secy.

(Department of Revenue)**ESTATE DUTY***New Delhi, the 25th April 1961*

S.O. 926.—In exercise of the powers conferred by sub-section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 46/F. No. 1/11/61-ED. dated the 10th March, 1961, published as S.O. No. 551 dated the 10th March, 1961 in Part II, Section 3(ii) of the Gazette of India, dated the 18th March, 1961, the Central Government hereby appoints Shri B. M. Mitra, a Commissioner of Income-tax, as Appellate Controller of Estate Duty with headquarters at Calcutta.

2. This notification shall be deemed to have effect from the 1st April, 1961, (forenoon).
|

Explanatory Note

(This note does not form part of the Notification but is intended to be merely clarificatory).

This notification has become necessary due to a change in the incumbent of the post of Appellate Controller of Estate Duty.

[No. 48/F. No. 1/11/61-ED.]

M. B. PALEKAR, Dy. Secy.

CENTRAL BOARD OF REVENUE**ESTATE DUTY**

New Delhi, the 25th April 1961

S.O. 927.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953, (34 of 1953) and in partial modification of its Notification No. 47/F. No. 1/11/61-ED, dated the 10th March, 1961, published as S.O. No. 553 dated the 10th March, 1961, in Part II, Section 3(ii) of the Gazette of India, dated the 18th March, 1961, the Central Board of Revenue hereby directs that with effect from the 1st April, 1961, (forenoon), Shri B. M. Mitra, a Commissioner of Income-tax shall perform the functions of the Appellate Controller of Estate Duty throughout India in respect of—

(a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960;

(b) the estates of deceased persons in relation to which an appeal lies under section 62 of the said Act.

2. This notification shall be deemed to have effect from 1st April, 1961, (forenoon).

Explanatory Note

(This note does not form part of the notification but is intended to be merely clarificatory).

This notification has become necessary due to a change in the incumbent of the post of Appellate Controller of Estate Duty.

[No. 49/F. No. 1/11/61-ED.]

M. B. PALEKAR, Secy.

OFFICE OF THE ASSTT. COLLECTOR OF CENTRAL EXCISE, LUCKNOW

Lucknow, the 24th March 1961

Whom-so-ever it may concern.

S.O. 928.—77 Mds-24-12 chts of (20 mds-33-4 chts uncrushed and 56 mds-13-8chts) crushed tobacco stalks were seized by the Central Excise Preventive staff, Lucknow on 25th August, 1960, from a house situated in village Ganj Moradabad, Distt. Unnao and having the following boundaries:—

East	..	House of Niranjani
West	..	House of Budhu Kachhi
North	..	House of Mewa Lal
South	..	Road.

Mohd. Shafi s/o Munawar Bux L 2 180 tobacco dealer of Ganj Moradabad who was reported to be owner of the goods stated that the seized goods did not belong to him, and also that the house in which seizure was effected did not belong to him. No other claimant could be spotted and no one was coming forward to claim the goods. These goods were found received into and stored in unlicensed premises without valid transport document and without having paid the Central

Excise duty, and as such they are liable to confiscation and the owner too liable to answer the consequences.

Any one who claims to be owners of the above goods, is required to show cause to the Asstt. Collector of Central Excise, Central Revenues Building, Lucknow, why a penalty should not be imposed on him for contravention of Rule 9 and 32 of Central Excise Rules, 1944 and why the tobacco weighing Mds. 77-24-12 in respect of which offence has been committed should not be confiscated under Rule 32 and 9 of Central Excise Rules, 1944.

If no cause is shown against the action proposed to be taken, within a month of the date of publication of this notice and evidence produced about the ownership of the above tobacco, the above tobacco will be confiscated and the case adjudicated on the evidence available on the record.

[No. C. 282-V(a)(13)TSZ/60.]

P. M. VARKEY, I.R.S.,

Assistant Collector.

COLLECTORATE OF CENTRAL EXCISE: WEST BENGAL: CALCUTTA.

CENTRAL EXCISE

Calcutta, the 11th April, 1961

S.O. 929—In exercise of the powers conferred on me by Rule 5 of the Central Excise Rules, 1944, I hereby authorise the Central Excise Officers, specified in the following table, to exercise within their respective jurisdictions in the Collectorate of Central Excise, West Bengal, the powers of Collector under the rules enumerated in Column 3 of the Table, subject to restrictions set out in Column 4 thereof:—

TABLE

Serial No.	Rank of Officer	Relevant C.E. Rule in respect of which power is delegated	Restrictions, if any
1	2	3	4
1	Deputy Collector	18, 30, 140, 145(b), 150(1), 169, 210A, 222, 228(1).	
2	An officer not below the rank of Assistant Collector.	12. . . .	The powers under provisos (i), (ii) and (vi) of Appendix XI of Central Excise Manual shall be exercised by the Collector.
		12A.7	The power to grant rebate for exports through the major ports shall be exercised by the respective Maritime Collector.
		13 and 14 . . . .	..
		14A. . . .	(i) Limited to issue of demands for payment of duty and imposition of penalty upto Rs. 2,000/- and Rs. 250/- respectively.]
			(ii) The power to remit duty in case of loss of goods overboard is restricted to Rs. 250/- in each individual case.

1	2	3	4
	14B	.	Overdrawals against BI bond is subject to a maximum of 50% of the bond amount only.
	27(4)	.	The power to remit duty in cases of loss or destruction of excisable goods lodged in private bonded store rooms by unavoidable accidents is restricted to Rs. 250/- in each individual case.
	65(3), 65(4) & 75		..
	92-A(3)	.	..
	92-E(i), 92-E(iii)	.	..
	93(b)	.	For the sake of Co-ordination the cases shall be reported to the Collector.
	96I(2), 96I(3), 96-O(3), 96-M(i), 96-S(i), 96-S(iii)		..
	97, 97(A), 100 & 145(a)		..
	147	.	The power to remit duty in cases of loss or destruction of excisable goods lodged in warehouses by unavoidable accidents is restricted to Rs. 250/- in each individual case.
	183	.	Subject to the General conditions laid down by the Collector.
	184 & 189	.	..
	192	.	The cost of supervisory staff shall be fixed with reference to the conditions laid down by Collector.
	193	.	..
	210-A	.	Cases where the value of the goods exceeds Rs. 5,000/- shall be reported to the Collector.
	212, 223-A, 227(i), 229 & 230.		..
3	An Officer not below the rank of Superintendent.	Provisos (iii) & (vii) only of Appx. XII under Rule 12.	.
	38.	.	Subject to the prior approval of the Assistant Collector concerned.
	47(i), 59, 71(3), 92-A(i), 92-A(2)		..
	92-A(4)	.	Power for condonation of delay for a period of exceeding 15 days shall be exercised by the Assistant Collector.
	92-C(2)	.	Power for condonation of delay exceeding 2 days in the case of weekly application and weekly deposit and 5 days in the case of monthly application and monthly deposits shall be exercised by the Assistant Collector.

1	2	3	4
		96I(1) . . . . .	..
		96I(4)	The power of condonation of delay in the presentation of application for renewal in form A.S.P. for a period exceeding 15 days shall be exercised by the Assistant Collector.
3	An officer not below the rank of Superintendent.	96-K(2)	The power of condonation of delay exceeding (i) 2 days in the case of weekly applications and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits shall be exercised by the Assistant Collector.
		96-O(i) & 96-O(2) . . . . .	..
		96-O(4)	The power for condonation of delay in presenting renewal applications in form A.S.P. for a period exceeding 15 days shall be exercised by the Assistant Collector.
		96-Q-2	The power for condonation of delay exceeding (i) 2 days in the case of weekly applications and weekly deposits and (ii) 5 days in the case of monthly applications and monthly deposits shall be exercised by the Assistant Collector.
		154, 155, 164, 165(2) . . . . .	..
		206-(3)	Subject to the conditions as laid down by the Collector.
		210-A	Cases where the value of the goods exceeds Rs. 1,000/- shall be reported to the Assistant Collector.
		212	The power to direct destruction under this rule is restricted to the confiscated tobacco only and subject to the condition that the weight of the tobacco to be destroyed shall not exceed 9.3 quintal in each individual case.
		224(I)	At the end of each calendar month, a statement showing the applications for O.T. works dealt with shall be furnished to the Collector.
		224(h)	The 'copies' and 'duplicates' of Central Excise documents shall be issued by the officer who originally issued the same.
4	Licensing Authority	43, 44, 46, & 47(3) . . . . .	..
		48.	The amount of bond and the security to be demanded from each class of licensee shall be determined with reference to the general procedure laid down by the Collector.

1	2	3	4
4	Licensing Authority	57(d) 180	Prior approval of the Collector shall be obtained. The conditions shall be prescribed by the Collector.
5	Officers competent to issue or renew licenses.	140	Fresh bonds and securities shall not be demanded without the orders of the Collector.
6	An Officer not below the rank of an Inspector.	13 27(1) & (2) 153	Restricted to acceptance of individual bonds. The power of prescribing alternative forms of store room register shall be exercised by the Collector. The general conditions to be observed regarding execution of bonds shall be those as laid down by Collector.
7	Adjudicating Officers	96-M(ii), 96-M(iii), 96-S(ii), 96-S(iv), 96-E(ii), 96-E(iv)	In accordance with the normal limits of powers of the adjudicating officers.

2. This Collectorate Notification Nos. 1/1960 dated 1-4-60, No. 3/60 dated 27-4-60, 4/60 dated 18-6-60, 5/60 dated 18-6-60 and 7/60 dated 12-9-60 are hereby rescinded.

[No. 1/1961.]

A. K. ROY, Collector.

CENTRAL EXCISE COLLECTORATE, BARODA

TOBACCO

Baroda, the 22nd April 1961

S.O. 930.—In exercise of the powers conferred on me under Rules 15 and 16 of the Central Excise Rules, 1944, read with Rule 233 *ibid*, I hereby notify in furtherance of this Collectorate Central Excise Notification No. 2/58 and No. 2/59, that no declaration will be necessary under the said Rules 15 and 16 respectively, in respect of unmanufactured tobacco grown in areas not exceeding 5 acres and cured in quantities not exceeding 20 kilograms in the villages shown in column No. 6 of the table set out below:—

Sr. No.	Name of the Division	Name of the Circle	Name of the Revenue Distt.	Name of the Taluka	Names of the Revenue villages exempted under Rules 15 & 16
1	2	3	4	5	6
1.	Ahmedabad	Mehmadabad	Kaira	Kapadvanj	1. Fagwel. 2. Danadara. 3. Fullohatrapura. 4. Porda.

1	2	3	4	5	6
2.	Ahmedabad	Mehmadabad	Kaira	Kapadvanj	1. Abharipur. 2. Shahpura. 3. Anara. 4. Dahyab. 5. Dana. 6. Dapat. 7. Bhaner. 8. Khandivav.
	Ahmedabad	Nadiad	Kaira	Nadiad	1. Nizampur.
	Ahmedabad	Mehmadabad	Kaira	Mehmadabad	1. Makwa. 2. Devkivansd. 3. Modaj. 4. Sankej. 5. Vasna-Margia. 6. Karoll. 7. Vasnakhurd.

2. This Collectorate V Tobacco Notification No. 1/61 is hereby cancelled,

[No. 2/1961.]

R. PRASAD, Collector.

MINISTRY OF COMMERCE & INDUSTRY

ORDERS

New Delhi, the 21st April 1961

S.O. 931/IDRA/6/16.—In pursuance of Clause (c) of Rule 2 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints Shri N. T. Gopala Iyengar, Development Officer, Development Wing, New Delhi, as the Secretary to the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 771 dated the 4th April, 1961, for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries, with effect from the 4th April 1961.

[No. 1(10)IA(IV)/60.]

S.O. 932/IDRA/6/19.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri S. M. Patil, General Manager, Hindustan Machine Tools Limited, Bangalore, to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 769 dated the 28th March, 1961 for the scheduled industries engaged in the manufacture or production of industrial machinery till the 27th March, 1963 in

place of Shri M. K. Mathulla, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order for entry No. 3 relating to Shri M. K. Mathulla, the following entry shall be substituted, namely:—

"3. Shri S. M. Patil, General Manager, Hindustan Machine Owners"
Tools Limited, Jalahalli P.O. Bangalore.

[No. 1(13)IA(IV)/60.]

CORRIGENDA

New Delhi, the 18th April 1961

S.O. 933.—In the Ministry of Commerce & Industry, Order No. S.O. 771, dated the 4th April, 1961, published in Gazette of India Part II Section 3 sub-section (ii), dated the 8th April, 1961:—

for 7. Shri K. D. Churiwala, Hindustan Motors Ltd.,
8, India Exchange Place, Calcutta-1 Owners

read 7. Shri K. D. Churiwala, General Manager, Hindustan
Motors Ltd., P.O. Uttarpara, District Hooghly Owners

[No. 1(10)IA(IV)/60.]

New Delhi, the 24th April 1961

S.O. 934.—In the Ministry of Commerce and Industry Order No. S.O. 771, dated the 4th April, 1961, published in Part II Section 3 sub-section (ii) of the Gazette of India, dated the 8th April, 1961:—

For 18. Shri T. S. Santhanam, Director, M/s. T.
V. Sundaram Iengar & Sons, West Veli
Street, Madurai Technical Knowledge.

Read 18. Shri T. S. Santhanam, Managing Director,
Sundaram Motors Private Ltd., Post
Box No. 713, 37, Mount Road, Madras-6 Technical Knowledge.

[No. 1(10)IA(IV)/60.]

J. S. BAKHSHI, Under Secy.

NOTIFIED ORDER

New Delhi, the 21st April 1961

S.O. 935.—In exercise of the powers conferred by section 18A of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints with effect from the 8th May, 1961 Shri Gopeshwar Bhatt, R.A.S. as the Authorised Controller of Edward Mills Company Limited, Beawar vice Shri Mangal Behari, I.A.S. proceeding on leave and makes the following amendment with effect from the aforesaid date in the Notified Order of the Government of India, Ministry of Commerce and Industry No. 14(7)-TEX(A)/60 dated the 2nd April, 1960, namely:—

In the said Notified Order, for the words and letters, "Shri Mangal Behari, I.A.S." the words and letters, "Shri Gopeshwar Bhatt, R.A.S." shall be substituted.

[No. 14(7)-Tex(A)/59.]

M. P. ALEXANDER, Dy. Secy.

CENTRAL SILK BOARD

New Delhi, the 21st April 1961

S.O. 936.—The following statement of accounts of the Central Silk Board for the period from 1st April, 1959 to 31st March, 1960, is published in the Gazette

of India in keeping with the provisions of sub-rule 2 of Rule 37 of the Central Silk Board Rules, 1955.

Income	Rs.	Expenditure	Rs.
1. Opening Balance . . .	23,969·20	1. Admn. of the Board . . .	4,46,386·76
2. Grant-in-aid received from the Government of India . .	8,87,503·00	2. Other Developmental Expenditure:	
3. Miscellaneous Receipts . .	54,971·66	(i) Exhibition and Publicity	1,088·83
		(ii) Securing Services of Experts under Colombo Plan	4,674·36
		(iii) Audio Visual Publicity (Film)	85,813·86
		(iv) Direct Grants Calcutta (University)	14,626·00
		(v) Refund to State Governments—Deputation of officers to Japan in 1954-55—Finalisation of accounts	13,757·39
		(vi) Silk Day Celebrations in States	19,897·40
		TOTAL	1,39,857·84
		(3) Central Schemes:]	
		All India Sericultural Training Institute, Mysore	1,48,052·38
		Central Silkworm Seed Station, Srinagar	1,31,615·41
		(4) Adjustable Advances	1,239·00
		(5) Amounts surrendered to the Government	66,214·86
		(6) Credit Passed on by the A.G.C.R. in the accounts for March, 1960 final, out of opening balance	15,657·27
		7. Closing balance and deposit lying in P.L. Account	17,420·34
TOTAL	9,66,443·86	TOTAL	9,66,443·86

[No. 45(6)/60-HS(2).]

J. C. ELING, Under Secy.

ORDER

EXPORT TRADE CONTROL

New Delhi, the 29th April 1961

S.O. 937.—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and

as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", for entry (vii) of item 2(a), the following shall be substituted:—

"(vii) Chrome ores and concentrates."

[No. Export(1)/AM(44).]

M. H. SIDDIQI, Under Secy.

(Office of the Jt. Chief Controller of Imports & Exports)

NOTICES

Bombay, the 1st March 1961

S.O. 938.—It is hereby notified that in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order 1955, the Government of India, in the Ministry of Commerce & Industry propose to cancel the following licences which were obtained by misrepresentation by quoting the I.V.C. Registration No. allotted to some other firm:—

S. No.	Licence No. & Date	Value
1	E. 512141 dt. 24-5-60	Rs. 9,439/-
2	E. 429999 dt. 12-12-60	Rs. 9,439/-

for the import Ultramarine Blue from the General Currency Area except Union of South & S. W. Africa, granted by the Jt. Chief Controller of Imports & Exports, Nou Bhavan, Ballard Estate, Bombay to M/s. Haji Ibrahim & Co., Mangaldas Bldg., Mangaldas Road, Bombay-2, unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports & Exports, Nou Bhavan, Ballard Estate, Bombay, within ten days of the date of issue of this notice, by the said M/s. Haji Ibrahim & Co., Mangaldas Bldg., Mangaldas Road, Bombay-2 or any Bank, or any other party, who may be interested in it.

In view of what is stated above, M/s. Haji Ibrahim & Co., Bombay-2 or any Bank, or any other party, who may be interested in the said licences No. E.512141 dt. 24th May 1960 and No. E. 429999 dt. 12th December 1960 are hereby directed not to enter into any commitments against the said licences and return them immediately to the Dy. Chief Controller of Imports & Exports, Bombay.

[No. 1/315/60/CDN.II.]

Bombay, the 18th March 1961

S.O. 939.—It is hereby notified that in exercise of the powers conferred by clause 9(b) of the Imports (Control) Order 1955, the Government of India, in the Ministry of Commerce & Industry propose to cancel the following licence which was erroneously endorsed for import of West Crates West Forks contrary to the provisions of the prevailing Policy:—

Licence No. & Date	Value
E. 496731 dt. 23-6-1960	Rs. 27,90/-

for the import of Component Parts of Textile Machinery from the Soft Currency Area except Union of South & S. W. Africa, granted by the Jt. Chief Controller of Imports & Exports, Nou Bhavan, Ballard Estate, Bombay to M/s. Krishna Corporation (Bombay) Ltd., Dena Bank Bldg., 17-B, Horniman Circle, Bombay-1, unless sufficient cause against this is furnished to the Dy. Chief Controller of Imports & Exports, Nou Bhavan, Ballard Estate, Bombay, within ten days of the date of issue of this notice, by the said M/s. Krishna Corporation (Bombay) Ltd., Bombay-1 or any Bank, or any other party, who may be interested in it.

In view of what is stated above, M/s. Krishna Corporation (Bombay) Ltd., Bombay-1 or any Bank, or any other party, who may be interested in the said licence No. E. 496731 dt. 23rd June 1960 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Dy. Chief Controller of Imports & Exports, Bombay.

[No. C-5/61/CDN.II.]

N. H. NAGARWALLA,
Dy. Chief Controller.

(Department of Company Law Administration)

New Delhi, the 18th April 1961

S.O. 940.—In pursuance of clause (a) of sub-section (2) of Section 9 of the Cost and Works Accountants Act, 1959 (23 of 1959), the Central Government hereby makes the following amendment in the Ministry of Commerce and Industry (Department of Company Law Administration) notification No. GSR 612, dated the 25th May, 1959, namely:—

In the said notification in item "1. Western India Regional Constituency", for the words "States of Bombay and Madhya Pradesh", the words "States of Maharashtra, Gujarat and Madhya Pradesh" shall be substituted.

[No. 10/13/59-Inst.]

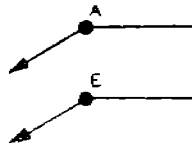

T. S. MENON, Under Secy.

(Indian Standards Institution)

New Delhi, the 17th April, 1961

S.O. 941—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that amendment to the Indian Standard given in the Schedule hereto annexed has been issued under the powers conferred by sub-regulation (i) of regulation 3 of the said regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
1	2	3	4	5	6
1	IS : 813-1956 Scheme of Symbols for Welding	S.O. 137 dated 1st March, 1958.	No. 1 March, 1961	In Table II, columns 1 to 3, the existing second item has been deleted and substituted by the following : <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>SPECIAL INSTRUCTIONS</p> <p>Site weld (assembly weld). (Site weld (erection weld))</p> </div> <div style="text-align: center;"> <p>DRAWING REPRESENTATION</p>  </div> <div style="text-align: center;"> <p>SYMBOL</p>  </div> </div>	1st May, 1961.

Copies of this amendment slip are available, free of cost, with the Indian Standards Institution, "Manak Bhavan" 9 Mathura Road, New Delhi-1 and also at its branch offices at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13 and (iii) 2/21 First Line Beach, Madras-1.

No. [MD/13:5.]
C. N. MODAWAL
Deputy Director (Marks)

MINISTRY OF STEEL, MINES & FUEL

(Department of Iron and Steel)

New Delhi, the 29th April 1961

S.O. 942/ESS.COMM/Iron & Steel—27(1)/AM (43).—The following Notification issued by the Iron & Steel Controller under Sub-clause 1 of Clause 27 of the Iron and Steel (Control) Order, 1958, is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by Sub-clause I of Clause 27 of the Iron and Steel (Control) Order, 1958 and with the approval of the Central Government, the Iron & Steel Controller hereby notifies the following addendum to the prices under Schedule V (Iron & Steel Defectives and Scrap) of the Ministry of Steel, Mines & Fuel, Iron & Steel Control, Calcutta's Notification No. ISC/AP/62/60 published in Part III Section I of the Gazette of India dated 24th December, 1960:—

Addendum

Under Part III—Melting Scrap.

Insert the following after item No. 4:—

	Maximum prices per M/Ton ex-sita.
Item No. 4(A) Iron Skull Scrap unbroken & un-processed (over 7 M/Tons to 35 M/Tons).....	Rs. 84
(B) Iron Skull Scrap broken & processed (7 M/Tons and under).....	Rs. 133

C. V. RAMACHANDRAN, Price & Accounts Officer,
for Iron & Steel Controller

[No. SC(C)-2(147)/60.]
J. S. BAIJAL, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 18th April 1961

S.O. 943.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to Class III and Class IV posts in the Central Rice Research Institute, Cuttack, namely:—

1. Short title.—These rules may be called the Central Rice Research Institute (Class III and IV posts) Recruitment Rules, 1961.

2. Application.—These rules shall apply to Class III (ministerial and non-ministerial) and Class IV posts in the Central Rice Research Institute, Cuttack including its sub-stations, as specified in column 2 of the Schedule annexed hereto.

3. Number, Classification and Scale of Pay.—The number of the Class III and Class IV posts in the Central Rice Research Institute, Cuttack their classification and the scales of Pay attached to them shall be as specified in columns 3 to 5 of the Schedule to these rules.

4. Method of recruitment, Age limit and other qualifications.—The method of recruitment to the posts aforesaid, age limit, qualifications and other matters connected therewith shall be as specified in columns 6 to 11 of the Schedule aforesaid: Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and other special categories in accordance with the orders issued from time to time by the Government of India.

5. Disqualification.—(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service; and

(b) no woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service: Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

SCHE

Qualifications etc. prescribed for and the method of recruitment to the Non-Gazetted posts at Central

Sl. No.	Name of post	Number of post, classification and whether gazetted or non-gazetted	Whether ial or terial	Minister- Non-minis- Pay	Scale of Pay	Whether selection post or non-selection post	Age limit for direct recruits
1	2	3	4	5	6	7	
1.	Research Assistant.	33 posts, Class III	Non-Ministerial	Rs. 210—10—290—15—320—EB—15—425 (with a selection grade scale of Rs. 325—15—475—EB—20—575 for 15% of the posts).	Not applicable.	Below 25 years.	
2.	Computer	1 post, Class III	Do.	Rs. 150—5—160—8—240—EB—8—280—10—300.	Do.	Do.	
3.	Junior Scientific Assistants (Field Assistants)	69 posts, Class III	Do.	Rs. 110—3—131—4—155—EB—4—175—5—180.	Do.	Do.	
4.	Tractor Driver-cum-Mechanic.	2 posts, Class III	Do.	Do.	..	Below 35 years.	
5.	Driver	2 posts, Class III	Do.	Rs. 110—3—131—4—139.	..	Do.	

DULE

Rice Research Institute, Cuttack and its substations

Educational and other qualifications required	Whether age & educational qualifications prescribed for direct recruits will apply in case of promotion or transfer	Method and source of recruitment i.e., whether by direct recruitment or by promotion or by transfer and percentage of vacancies to be filled up by various methods	Period of probation, if any
8	9	10	11
M. Sc. or equivalent honours degree or associate of Indian Agricultural Research Institute in relevant subjects.	Not applicable.	By direct recruitment, 15% of the Research Assistants will be eligible for promotion to the selection grade according to their seniority and subject to fitness.	Two years.
Degree in Mathematics or Economics with training and experience in computation of statistical data and their interpretation.	Do.	By direct recruitment.	Do.
1. Matriculation examination, preferably with a Science subject and experience in crop cultivation.	Do.	Do.	Do.
2. Diploma in Agriculture preferable.			
1. Should be in possession of a licence for driving heavy motor vehicles and should be able to drive tractor.	Do.	Do.	Do.
2. Preference will be given to persons having previous service with Indian Army Units in mechanical transportation or tank or armoured car units or experience as a tractor operator on Agricultural or construction projects.			
Study upto middle school standard desirable. Proficiency in motor driving and car mechanism. Should possess a licence for driving motor vehicles. Working knowledge of Hindi.	Do.	Do.	Do.

1	2	3	4	5	6	7
6.	Librarian .	1 post, Class III	Do.	Rs. 130—5—160— 8—200—EB—8 —256—EB—8— 280—10—300.	..	25 years.
7.	Artist Photo- grapher.	Do.	Do.	Rs. 150—5—175—6— 205—EB—7—240.	..	Do.
8.	Head Clerk .	1 post, Class III	Ministerial	Rs. 210—10—290— 15—320—EB— 15—380.	Selection	..
9.	Accountant .	Do.	Do.	Rs. 168—8—256— EB—8—280—10— 300.	Do.	..
10.	Stenographer	Do.	Do.	Rs. 130—5—160—8— 220—EB—8— 256—EB—8—280 —10—300.	..	Below 25 years.
11.	Upper Divi- sion Clerks.	4 posts, Class III	Do.	Do.	Non- Selection.	..
12.	Cashier in Upper Divi- sion Clerks grade.	1 post, Class III	Do.	Do.	Do.	..
13.	Lower Divi- sion Clerks.	7 posts, Class III	Do.	Rs. 110 —3—131— 4—155—EB—4— 175—5—180.	Not applicable.	18—21 years.

8	9	10	11
	Not applicable	By direct recruitment	Two years
Graduate of an Indian University with knowledge of Library maintenance or a Matriculate with five years experience in upkeep and maintenance of Library.			
Matriculation having Diploma of a recognised school of Arts, experience in photographic work including developing, printing and enlarging.	Do.	Do.	Do.
..	..	Promotion from the Ministerial staff of the Institute in the scale of Rs. 130—300 namely Upper Division Clerks, Cashier and Stenographers with at least 2 years experience as Upper Division Clerks at the Central Rice Research Institute.	Two years.
..	..	Do.	Do.
Matriculation or equivalent qualifications with proficiency in Shorthand (100 words per minute) and typewriting speed of 40 words per minute. Working knowledge of Hindi desirable.	Age and educational qualifications relaxable for Government Servants in case of Promotion.	100% by direct recruitment. Departmental candidates possessing the requisite qualifications and speed in Shorthand and typewriting will also be eligible for consideration for appointment alongwith the nominees of the Employment Exchange.	Do.
..	..	50% by promotion on the basis of seniority-cum-fitness from the Ministerial staff of the Institute in the scale of Rs. 110—180 (<i>viz.</i> , Lower Division Clerks, Storekeepers) and 50% on the basis of competitive examination opened to these categories of staff. Stenographers who have rendered at least 4 years service will also be eligible for appointment temporarily for a period of two years against the post of Upper Division Clerks/Cashier.	Do.
Matriculation or equivalent qualifications with a minimum speed of 30 words per minute in typewriting. Working knowledge of Hindi desirable.	Not applicable.	By direct recruitment.	Do.

1	2	3	4	5	6	7
14.	Store-keepers	1 post, Class III	Ministerial	Rs. 110-3-131-4-155-13-4-175-5-180	Not applicable	18-23 years
15.	Daftry	1 post, Class IV	Not applicable	Rs. 80-1-85-2-95-EB-3-110	Non-Selection.	..
16.	Laboratory Attendant.	13 posts, Class IV	..	Rs. 75-1-85-EB-2-95.	..	Below 40 years.
17.	Peons	10 posts, Class IV	..	Rs. 70-1-80-EB-1-85.	..	Do.
18.	Malis	1 post, Class IV	..	Rs. 80-1-85-2-95-EB-3-110.	..	Do.
19.	Chowkidars	12 posts, Class IV.	..	Rs. 70-1-80-EB-1-85.	..	Do.
20.	Sweepers	4 posts, Class IV.	..	Rs. 70-1-80-EB-1-85.	..	Do.
21.	Carpenter	1 post, Class IV.	Not applicable	Rs. 80-1-85-2-95-EB-3-110.	..	Below 25 years.
22.	Blacksmith	Do.	Do.	Do.	..	Do.
23.	Jamadar	Do.	..	Rs. 75-1-85-EB-2-95.	..	Do.

FOOT NOTES.—

(1) Seniority will be regulated in accordance with the orders on the subject issued by the Gover

(2) Common pooled seniority lists will be maintained in respect of those categories of posts

8	9	10	11
Matriculation or equivalent qualifications with experience of accounts and store-keeping. Proficiency in typewriting and working knowledge of Hindi desirable.	Not applicable	By direct recruitment	Two years
..	..	Promotion from the posts of peons on the principle of seniority subject to the rejection of unfit.	Do.
Should have studied upto eighth standard, with suitability for the particular type of work.	..	By direct recruitment.	Do.
Middle School standard pass.	..	Do.	Do.
..	..	Do.	Do.
..	..	Do.	Do.
..	..	Do.	Do.
Must have proficiency in carpentry work.	Not applicable.	By direct recruitment.	Do.
Must have proficiency in blacksmith's work.	Do.	Do.	Do.
Must have passed eighth standard examination with knowledge of Hindi. Must know cycling well.	Do.	Promotion from peons of the Institute.	Do.

nment from time to time.

which have group together for purposes of promotion to higher grades.

[No. 15-44/58-Instt.II.]

D. RAMIAH, Dy. Secy.

(Department of Agriculture)

New Delhi, the 18th April 1961

S.O. 944.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fruit Products Order, 1955, namely:—

1. This Order may be called the Fruit Products (Amendment) Order, 1961.

2. In the Second Schedule to the Fruit Products Order, 1955, in 'Part XXII—List of permissible harmless food colours', in the table below to sub-paragraph 2, after the entries in the second, third and fourth columns against item '1 Red', the following entries shall be inserted, namely:—

Common name	Colour Index	Chemical class
"Amarnath	184	Azo
Erythrosine	773	Xanthene"

[No. F. 4-70/60-AM.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 17th April 1961

S.O. 945.—In pursuance of the appropriate provision of the Indian Cotton Cess Act, 1923 (14 of 1923), the Central Government are pleased to renominate the following persons to be members of the Indian Central Cotton Committee, Bombay, for a period of three years with effect from 1st April, 1961:—

S. No.	Name and address	Section
1.	Shri Ramdas Kilachand. C/o M/s. Kilachand Devchand. 46/47 Apollo Street, Fort, Bombay.	4(iv)
2.	Shri R. G. Saralva. C/o M/s. Narandas Rajaram & Co. Navsari Chambers, Outram Road, Fort, Bombay.	4(vii)

[No. 1-4/61-Com. IV.]

J. VEERA RAGHAVAN, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

New Delhi, the 24th April 1961

S.O. 946.—In exercise of the powers conferred by section 4 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby establishes, for a period of two years from the 1st May, 1961, the National Shipping Board with the following members, namely:—

- | | | |
|--------------------------------|---|-------------------------------------|
| 1. Shri Narayan Ganesh Goray | } | Elected by the House of the People. |
| 2. Shri Bhawanji A. Khimji | | |
| 3. Shri Raghunath Singh | | |
| 4. Shri T. N. Viswanatha Reddy | | |
| 5. Shri N. M. Lingam | } | Elected by the Council of States. |
| 6. Shri Rohit Manushankar Dave | | |

- | | | | | | |
|-----------------------------------|---|---|---|---|---------------------------------------|
| 7. Shri O. Pulla Reddi, I.C.S. | . | . | . | . | } Central Government Representatives. |
| 8. Shri S. S. Shiralkar | . | . | . | . | |
| 9. Shri D.S. Joshi, I.C.S. | . | . | . | . | |
| 10. Dr. Nagendra Singh, I.C.S. | . | . | . | . | |
| 11. Shri C. P. Srivastava, I.A.S. | . | . | . | . | |
| 12. Smt Sumati Morarjee | . | . | . | . | } Representatives of Shipowners. |
| 13. Shri A. Ramaswami Mudaliar | . | . | . | . | |
| 14. Shri Vasant J. Sheth | . | . | . | . | |
| 15. Shri Damodar Mathuradas Ashar | . | . | . | . | |
| 16. Shri Dinkar Desai | . | . | . | . | } Representatives of Seamen. |
| 17. Shri Bikas Majumdar | . | . | . | . | |
| 18. Shri J. D. Randeri | . | . | . | . | |
| 19. Shri I.G. Desai | . | . | . | . | |

Other Interests

- | | | | | |
|------------------------------|---|---|---|--|
| 20. Shri Babubhai M. Chinai | . | . | . | Representative of Trade. |
| 21. Shri G. L. Mehta | . | . | . | Representative of the Shipbuilding Industry. |
| 22. Shri S. K. Venkatachalam | . | . | . | Member-Secretary. |

2. The Central Government hereby nominates Shri G. L. Mehta to be the Chairman of the said Board.

[No. 37-MD(9)/60.]

B. P. SRIVASTAVA, Dy. Secy.

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 17th April 1961

S.O. 947.—In pursuance of sub-section (2) of section 9 of the Madras Port Trust Act, 1905 (Madras Act II of 1905), it is hereby notified that in accordance with the provisions of section 13 of the said Act, Shri M. J. Edwards of Messrs. Parry & Co. Ltd., Madras, has been elected by the Madras Chamber of Commerce to be a trustee of the Port of Madras with effect from the 6th April, 1961 vice Shri A. R. Liddiard resigned.

[No. 13-PG(16)/61.]

S.O. 948.—In exercise of the powers conferred by section 7 read with sub-section (1) of section 13A of the Bombay Port Trust Act, 1879 (Bombay Act 6 of 1879), the Central Government hereby appoints the following persons to be members of the Board of Trustees of the Port of Bombay:—

- | | | |
|-----------------------|---|----------------------------|
| 1. Shri M. G. Kotwal | } | Representatives of Labour. |
| 2. Shri H. N. Trivedi | | |

[No. 8-PG(2)/61.]

New Delhi, the 22nd April 1961

S.O. 949.—In exercise of the powers conferred by sub-section (2) of section 13A of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879) the Central Government, being satisfied that the Municipal Corporation of the City of Bombay has failed to elect two trustees of the Port of Bombay within the period specified therefor in section 10 of the said Act for reasons beyond its control, hereby directs that the election shall be held on or before the 15th May, 1961.

[No. 3-PG(1)/61.]

M. V. NILAKANTA AYYAR, Under Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 22nd April 1961

S.O. 950.—In pursuance of clause (d) of sub-section (1) of section 2 of the Victoria Memorial Act, 1903 (10 of 1903), the Central Government, hereby, nominate the following persons as Trustees of the Victoria Memorial Hall, Calcutta, for a period of five years with effect from the date of notification:

1. Dr. Hare Krushna Mahtab, 'Ekamra Nivas', Bhubaneswar-2.
2. Kazi Abdul Wadud, 8-B, Tarak Dutta Road, Calcutta-19.

[No. F. 3-1/61.C.3.]

S. K. SAHA,

Assistant Educational Adviser.

ARCHAEOLOGY

New Delhi, the 17th April 1961

S.O. 951.—Whereas the Central Government is of opinion that the ancient monument specified in the schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Site and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of Monument	Revenue plot numbers to be brought under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Tripura	Tripura	Kailashahar	Unakuti Range.	Sculptures and rock-cut reliefs of the Unakuti-ratha.	..	150 acres.	North :— Bagai Chara. East :— Belkom Range. South :— Lakshmi Tuisama Chara. West :— Lakshmi Tuisama Chara.	Khas-land.	(i) The area is unsurveyed. (ii) Some of the images are in worship.

[No. F. 4-4/61-C.1.]

New Delhi, the 19th April 1961

S.O. 952.—Whereas the Central Government is of opinion that the ancient site and remains specified in the Schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (I) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said archaeological site and remain will be considered by the Central Government.

SCHEDULE

State	Dis- trict	Tahsil/ Taluk	Loca- lity	Name of site	Revenue Plot Number to be included under protection	Area	Boundaries	Owner- ship	Remarks
1	2	3	4	5	6	7	8	9	10
Gujarat	Surat	Kamrej	Kamrej	Ancient site com- prised of Survey Plot No. 535.	Whole of Survey Plot No. 535.	11 acres 37 Gunthas	North : Tapti River, East : Survey Plot No. 669, South : Channel West : Channel.	Private	

[No. F. 4-8/61-C.1.]

S. J. NARSIAN,

Asstt. Educational Adviser.

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 20th April 1961

S.O. 953.—In exercise of the powers conferred by sub-section (1) of section 17 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952), the Central Government hereby directs that the powers exercisable by it under the provisions of the said Act specified in column (3) of the Schedule below shall also be exercisable by each of the authorities mentioned in the corresponding entry in column (2) of the said Schedule in respect of any property situated within its jurisdiction subject to the conditions specified in the corresponding entry in column (4) thereof.

SCHEDULE

Sl. No.	Authorities	Provision of the Act	Conditions
1	2	3	4
1.	The State Governments of all States except the State of Jammu & Kashmir.	Section 11	In cases where any State Government or any of the officers specified in column (2), decide not to file an appeal they should promptly and immediately intimate the facts of the case and their decision to the local officer of the administrative Ministry concerned. No appeals be filed in cases where the awarded amount of compensation is less than Rs. 5000/- (initial terminal and acquisition cost) or Rs. 250/- per month recurring compensation.
2.	All Collectors, District Magistrates and Deputy Commissioners in all the States of India except the State of Jammu & Kashmir.		
3.	The 1st Land Acquisition Collector, Calcutta; all Land Acquisition officers of Calcutta and of other districts in the State of West Bengal who are functioning as Collectors under Act I of 1894; the Collector in the district of 24 Parganas and all other Collectors in the State of West Bengal and the Deputy Commissioners of Jalpaiguri Districting and Cooch Behar in the State of West Bengal.		

[No. EE11(5)/58.]

R. C. MEHRA, Under Secy.

MINISTRY OF REHABILITATION
(Office of the Chief Settlement Commissioner)

New Delhi, the 15th April 1961

S.O. 954.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed, in the State of Gujrat for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

S. No.	E.P.No.	Locality	Name of Evacuee
1	1	Village Balamdbi	Hassanali Kanji
2	Agrl. land A G 9 8	Do.	Do.

[No. 5(3)Lands/61.]

ORDER

New Delhi, the 19th April 1961

S.O. 955.—In the order issued in pursuance of Rule 11-D(D)(A) of Evacuee Interest (Separation) Rules, 1951, vide notification No. 5(24)/59-Prop. II-Comp., dated the 18th March, 1961 for the words and figure "30th June, 1961", the words and figure "31st August, 1961" may be substituted.

[No. 5(24)/59-Prop. II-Comp.]

S. W. SHIVESHWARKAR, Jt. Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 18th April 1961

S.O. 956.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act (44 of 1954), the Central Government hereby appoints Sh. D. K. Mandal, Asstt. Settlement Officer in the Office of Regional Settlement Commissioner, Bihar (Patna) as Managing Officer for the State of Orissa for the Custody, Management & Disposal of Compensation pool with effect from the date he took over charge of his office.

[No. 4(63)Admn(Prop)/58/ARG.]

S.O. 957.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri D. K. Mandal, Assistant Settlement Officer-cum-Managing Officer in the Office of Regional Settlement Commissioner, Bihar (Patna) as Asstt. Custodian for the State of Orissa for the purpose of discharging the duties assigned to such Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 4(63)Admn(Prop)/58/ARG.]

New Delhi, the 20th April 1961

S.O. 958.—In exercise of the powers conferred by Sub-Section (i) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the States of Maharashtra and Gujrat, Shri R. P. Kulsereshta holding the post of Managing Officer in the office of the Regional Settlement Commissioner, Bombay as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

This office notification No. 8(225)Admn. Reg(G) CSC/60 dated 12th December, 1960 is hereby cancelled.

[No. 8/225/AR(Per)CSC/60.]

S.O. 959.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act 44 of 1954, the Central Government hereby appoints for the States of Maharashtra and Gujrat, Shri R. P. Kulsereshta as Managing Officer for the custody, management and disposal of Compensation Pool with effect from the date he took over charge of the post.

This office Notification No. 8(225)Admn. Reg(G)/CSC/60 dated 29th November, 1960 is hereby cancelled.

[No. 8/225/AR(Per)CSC/60.]

New Delhi, the 22nd April 1961

S.O. 960.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 44 of 1954, the Central Government hereby appoints for the State of Rajasthan, Shri H. P. Pandey for the time being holding the post of Assistant Settlement Officer under the Regional Settlement Commissioner, Jaipur as Managing Officer for the Custody, Management and disposal of Compensation Pool, with effect from the date he took over charge of his post.

[No. 7/91/AR(Per)/CSC/61.]

S.O. 961.—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Rajasthan, Shri H. P. Pandey for the time being holding the post of Asstt. Settlement Officer under the Regional Settlement Commissioner, Jaipur as Assistant Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his post.

[No. 7(91)AR(Per)CSC/61.]

K. B. MATHUR, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 15th April 1961

S.O. 962.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (11 of 1948) and in supersession of all previous notifications on the subject, the Central Government hereby appoints the officers specified in column (1) of the Schedule hereto annexed, to be Inspectors for the purposes of the said Act within the local limits specified in the corresponding entries in column (2) thereof—

SCHEDULE

Designation of the Officer	Territorial Jurisdiction
1. Chief Labour Commissioner (Central), New Delhi	Whole of India except the State of Jammu and Kashmir.
2. Deputy Chief Labour Commissioner (Central) New Delhi	
3. Welfare Adviser to Chief Labour Commissioner (Central), New Delhi.	
4. Conciliation Officer (Central), Bombay-I	The States of Gujarat and Maharashtra.
5. Conciliation Officer (Central), Bombay-II.	
6. Conciliation Officer (Central), (Verification), Bombay.	
7. Conciliation Officer (Central), Nagpur	
8. Labour Inspectors (Central), in Bombay region with headquarters at :—	
(i) Bombay-I.	
(ii) Bombay-II.	
(iii) Poona.	
(iv) Ahmedabad.	
(v) Bhusawal.	
(vi) Rajkot.	
(vii) Nagpur-I.	
(viii) Bombay-III.	
(ix) Nagpur-II.	
(x) Tumsar.	
(xi) Bombay (Prosecution).	
(xii) Bombay (Verification I)	
(xiii) Bombay (Verification II)	
(xiv) Ahmedabad (Verification)	
9. Junior Labour Inspector (Central), with headquarters at Chanda.	The State of West Bengal (excepting Coal Mines), the States of Orissa and Assam and the Union territories of Manipur and Tripura.
10. Conciliation Officer (Central), Calcutta-I.	
11. Conciliation Officer (Central), Calcutta-II.	
12. Conciliation Officer (Central), Shillong.	
13. Conciliation Officer (Central), (Verification), Calcutta.	
14. Conciliation Officer (Central), Jharsuguda.	
15. Labour Inspectors (Central), in Calcutta region with headquarters at :—	
(i) Calcutta-I	
(ii) Calcutta-II	
(iii) Gauhati.	
(iv) Dibrugarh.	
(v) Kharagpur.	
(vi) Cuttack.	
(vii) Calcutta (Prosecution)	
(viii) Calcutta (Verification I)	
(ix) Calcutta (Verification II)	
(x) Shillong (Verification)	
(xi) Cuttack. (Verification)	
(xii) Jharsuguda.	
(xiii) Barbil.	

Designation of the Officer	Territorial Jurisdiction
16. Conciliation Officer (Central), Madras. 17. Conciliation Officer (Central), Cochin. 18. Conciliation Officer (Central), Secunderabad. 19. Conciliation Officer (Central), (Verification) Madras. 20. Conciliation Officer (Central), Vishakhapatnam. 21. Labour Inspectors (Central), in Madras region with headquarters at :— (i) Villupuram (ii) Vijayawada (iii) Vishakhapatnam (iv) Coimbatore (v) Madurai (vi) Bangalore (vii) Trivandrum (viii) Kolar Gold Field (ix) Hubli (x) Secunderabad (xi) Kothagudium (xii) Madras (xiii) Gudur (xiv) Madras (Verification I) (xv) Madras (Verification II) (xvi) Secunderabad (Verification) (xvii) Trivandrum (Verification) (xviii) Madras (Headquarters)	The States of Madras, Mysore, Kerala and Andhra Pradesh.
22. Conciliation Officer (Central), Jabalpur* 23. Conciliation Officer (Central), Ajmer 24. Labour Inspectors (Central), in Madhya Pradesh region with headquarters at :— (i) Jabalpur (ii) Parasia (iii) Ajmer (iv) Jodhpur (v) Bhilwara (vi) Jaipur (vii) Ratlam (viii) Jhulpur (Headquarters) (ix) Raipur (x) Balaghat (xi) Chirimiri (xii) Jabalpur (Prosecution) (xiii) Jabalpur (Verification) (xiv) Ratlam (Verification) (xv) Bikaner (xvi) Tumsar	The States of Madhya Pradesh and Rajasthan.
25. Junior Labour Inspector (Central), with headquarters at Katni.	
26. Conciliation Officer (Central), Kanpur 27. Conciliation Officer (Central), Delhi-I. 28. Conciliation Officer (Central), Delhi-II. 29. Conciliation Officer (Central), (Verification)—Kanpur 30. Labour Inspectors (Central), in Kanpur region with headquarters at :— (i) Delhi-I (ii) Bareilly (iii) Gorakhpur (iv) Allahabad (v) Lucknow (vi) Jullundur (vii) Ambala (viii) Delhi-II (ix) Kanpur (Prosecution) (x) Delhi (Verification-I) (xi) Delhi (Verification-II) (xii) Kanpur (Verification).	The States of Uttar Pradesh and Punjab and Union Territories of Himachal Pradesh and Delhi.

Designation of the officer	Territorial Jurisdiction
31. Conciliation Officer (Central), Dhanbad-I 32. Conciliation Officer (Central), Dhanbad-II 33. Conciliation Officer (Central), Asansol 34. Conciliation Officer (Central), Raniganj 35. Conciliation Officer (Central), Hazaribagh. 36. Conciliation Officer (Central), (Verification), Dhanbad. 37. Conciliation Officer (Central), Dhanbad (Headquarters). 38. Conciliation Officer (Central), Jharsuguda 39. Labour Inspectors (Central), in Dhanbad region with headquarters at :— (i) Asansol (ii) Ranchi (iii) Patna (iv) Dhanbad (v) Katrasgarh (vi) Koderma (vii) Muzzafarpur (viii) Giridih (ix) Pakur (x) Jharia East (xi) Jharia West (xii) Bhagmara (xiii) Chirkunda (xiv) Ramgarh (xv) Namatpur (xvi) Ukhra (xvii) Kirkend (xviii) Patherdih (xix) Domchanch (xx) Chatbasa (xxi) Dhanbad (Headquarters) (xxii) Dhanbad (Verification) (xxiii) Patna (Verification) (xxiv) Dhanbad (Headquarters-II) (xxv) Raniganj (xxvi) Dhanbad (Prosecution-I) (xxvii) Dhanbad (Prosecution-II) (xxviii) Dhanbad (Implementation)	The State of Bihar and the State of West Bengal (Coal Mines only).
40. Junior Labour Inspectors (Central) with headquarters at :— (i) Katrasgarh (ii) Jharia (iii) Ukhra (iv) Bhagmara (v) Nirsra (vi) Sitarampur (vii) Asansol (viii) Bermo (ix) Sijua (x) Kherkharee	

[No. LWI(I)-3(25)/60.]

New Delhi, the 24th April 1961

S.O. 963.—In exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby directs that, for a period of five years from the date of issue of this notification, the provisions of sections 12, 13, 14 and 18 of the said Act shall not apply to railway servants who are on time scales of pay approved by the Central Government and governed by the provisions of Chapter VIA of the Indian Railways Act, 1890, and the Indian Railway Establishment Code and who are employed in any scheduled employment on Railways.

[No. LWI(I)-5(4)/58.]

K. D. HAJELA, Under Secy.

New Delhi, the 20th April 1961

S.O. 964.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Labour and Employment No. S.O. 531 dated the 2nd March, 1961, namely:—

In the said notification—

the entry "(1) Shri G. S. Jabbi" shall be omitted and entries (2) to (55) shall be renumbered as entries (1) to (54) respectively.

[No. 8/14/61-ML.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 20th April 1961

S.O. 965.—In pursuance of clauses (a) and (b) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Labour & Employment No. S.O. 2427, dated the 8th November, 1958, namely:—

In the said notification, for entries (1) to (3), the following entries shall be substituted, namely:—

- | | |
|---|---|
| <p>"(1) Shri N. Sundaram, Secretary to the Government of Madhya Pradesh, Labour Department, Bhopal.</p> | <p>Chairman nominated by the Central Government.</p> |
| <p>(2) Shri S. N. Kunzru, General Manager, Madhya Bharat Roadways, Gwalior.</p> | <p>Two persons nominated by the Central Government on the recommendation of the State Government.</p> |
| <p>(3) Shri G. K. Moghe, Director of Industries, Madhya Pradesh, Indore."</p> | |

[No. 10/3/60-PF.II.]

P. D. GAIHA, Under Secy.

New Delhi, the 21st April 1961

S.O. 966.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Majri Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE No. CGIT-2, OF 1961

Employers in relation to the Majri Colliery.

AND

their workmen

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers.—Shri D. O. Sanghvi, M.A., LL.B., Advocate, instructed by Shri H. V. Somaiya, constituted attorney, Sial Majri Colliery.

For the workmen.—Shri Chhotelal G. Arya, President and Shri Jagdish Patru Alone, General Secretary, Prantik Koyala Khan Kamgar Union, Chanda.

STATE: Maharashtra.

INDUSTRY: Coal.

Bombay, the 13th April 1961

AWARD

The Government of India, in the Ministry of Labour and Employment, by Order No. 1/111/60-LRII dated 20th January, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (Act XIV of 1947) was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the subject matter specified in the following schedule to the said Order:

SCHEDULE

"Whether the workmen employed in the Majri Colliery are entitled to payment of sick khoraki, and if so at what rates and from which date after the 16th November, 1960."

2. This demand was put forward by the Prantik Koyala Khan Kamgar Union (hereinafter referred to as the union), which represents the workmen of Majri Colliery, by its letter dated 16th November, 1960, claiming sick khoraki at the rate fixed by the arbitration award of Shri A. Das Gupta. Conciliation proceedings followed and before the Conciliator the management stated that the Das Gupta Award was not applicable to this colliery, and therefore it denied its liability to pay any sick khoraki to its workmen. In the result, the conciliation proceedings ended in failure and the Conciliator made his failure report on 24th December, 1960.

3. Thereafter, the union on 2nd January, 1961, submitted a statement of demand claiming sick khoraki at the rate of half the basic pay and dearness allowance for a period of 14 days in a year with effect from 29th December, 1959, the date on which the Das Gupta Award came into force. This letter along with a copy of the failure report of the Conciliator has been annexed to the order of reference herein.

4. In its written statement dated 14th February, 1961, filed in these proceedings, the union has urged that as most of the collieries in the Wardha valley were granting sick khoraki at the rate fixed by the Das Gupta Award there was no justification why this colliery should not also grant the same with effect from 29th December, 1959. The management in its reply has opposed this demand and has denied that all collieries in the Wardha valley are paying sick khoraki, much less at the rate fixed under the Das Gupta Award. It has stated that even if some of the Wardha valley collieries are making payments of sick khoraki that was purely a gratuitous payment and not in pursuance of any award binding on them. It has further stated that the Majri Colliery is being worked for a period of 23 years during which it had never paid sick khoraki; that the Das Gupta Award is not applicable to this colliery because, as observed by Shri Das Gupta, in his award at page 81, his jurisdiction was limited and he could not suggest a revision of the rates of sick khoraki and consequently he could not direct these collieries which were not paying sick khoraki to make such payments. The management has, therefore, stated that as there was no practice nor a binding award under which it had to pay sick khoraki there was no justification for this demand. It has further pointed out that this colliery has not been working at a profit and that after it was flooded in the year 1953 its working had to be stopped for a period of 9 months; that the financial position of the colliery is far from sound and that it is in arrears of its provident fund contribution payments and has a liability on that account of Rs. 45,000, and the Royalty due from it to Government is in arrears to the tune of Rs. 30,000. In these circumstances it has submitted that the demand of the union should be disallowed on the ground of its financial incapacity to meet it.

5. At the hearing, it was ascertained that this colliery employs as many as 400 miners and that its average raisings in the past were about 3,000 tons a month. It was however, admitted that during the last six months there has been a substantial increase in the raisings of this colliery which now average between 3,400 and 3,500 tons per month. Shri Somaiya, at the hearing, fairly conceded that the general condition of the colliery including its raisings had improved in recent months and he stated that he was confident of attaining the target of raising 5,000 tons of coal a month in the near future with improved methods of production, including the use of a coal cutting machine.

6. At the hearing there was a discussion as to the burden that would be imposed upon this colliery if sick khoraki at the rate of half the basic wage plus dearness allowance for a period of 14 days in a year were to be awarded, and the management first stated that the burden would amount to Rs. 8,000 per year.

This estimate was based on the assumption that the colliery would become liable to pay sick khoraki at the above rate for 14 days in a year to each employee of the company. That is obviously an incorrect and exaggerated basis of computing the monetary burden of granting this benefit to the workmen. If we take a reasonable basis of say 20 per cent. of the workmen falling sick and becoming entitled to sick khoraki at the rate of half basic wage and dearness allowance for a full period of 14 days in each year, the financial burden would be only about Rs. 1,000 per year which would mean a liability of only Rs. 135 per month. At the hearing the company claimed that it spends about Rs. 1,000 a month on medical aid for its workmen, and considering that I do not think it would be an unbearable burden upon it to take this additional liability of about Rs. 135 per month.

7. In my award dated 29th July, 1960, in the industrial dispute between the employers in relation to the Kamptec Colliery and their workmen (Reference No. CGIT-20 of 1960), I held that the workmen of collieries who were not covered by the Das Gupta Award could raise an industrial dispute making a claim for sick khoraki and that the demand would be granted if the colliery was in a financial position to bear the burden. I do not agree with the contention of the learned Advocate of the company that this dispute has been raised on the basis of the Das Gupta Award being applicable to this colliery. It is quite clear that the Das Gupta Award was not applicable to this colliery. What the union has urged is that as under the Das Gupta Award most of the collieries in the Chanda and Wardha valley coalfields are now getting the benefits of sick khoraki, at the rate claimed by it, the workmen in this colliery are entitled to the same and it is on that footing that this industrial dispute has been raised. Considering that during the last six months the average monthly raisings in this colliery has steadily been increasing and that the management soon expects to reach the target of 5,000 tons per month, I am satisfied that the demand of the workmen for sick khoraki at the rate of half their average monthly wages (basic plus dearness allowance) of the previous twelve months for a period of 14 days in a year is justified and I award that rate of sick khoraki to them.

8. The next question to consider is from what date this award should be made effective. Under the order of reference the demand cannot be granted from a date earlier than 16th November, 1960. The management has urged that the benefit if granted should be from 1st September, 1961, i.e., with the commencement of its next financial year. The union has claimed that it should be granted with retrospective effect from 1st December, 1960. Considering all the facts and circumstances of the case I do not think I would be justified in granting any retrospective effect to this award. I think it would be fair if this benefit were granted from 1st May, 1961, and I direct accordingly.

9. I think this is a fit case where some provision for costs should be made. Two union representatives have had to come to Bombay for the hearing of this reference on 16th March, 1961, when the hearing had to be adjourned on the application of the management, and on the adjourned date of hearing on 10th April, 1961, when the dispute was heard. Considering this, I think an order for costs in favour of the union in the sum of Rs. 250 would be fair and reasonable. I direct that the amount of the costs should be paid to the union on the date this award becomes enforceable.

Sd.- SALIM M. MERCHANT,

Presiding Officer, Central Government Industrial
Tribunal, Bombay.

[No. 1/111/60-LRII.]

New Delhi, the 25th April 1961

S.O. 967.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following arbitration award of Shri Salim M. Merchant, Presiding Officer, Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Kurasia Colliery of National Coal Development Corporation and their workmen represented by the Chhattisgarh Colliery Workers' Federation and the Korea Koyala Mazdoor Panchayat.

BEFORE SHRI SALIM M. MERCHANT, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY—ARBITRATOR

REFERENCE No. CGIT-ARB-37 of 1960

Employers in relation to the Kurasia Colliery of National Coal Development Corporation.

AND

their workmen represented by the Chhattisgarh Colliery Workers' Federation.

REFERENCE No. CGIT-3 (ARB) of 1961

Employers in relation to the Kurasia Colliery of National Coal Development Corporation.

AND

their workmen represented by Korea Koyla Mazdoor Panchayat.

PRESENT:

Shri Salim M. Merchant, Arbitrator.

Bombay the 18th April 1961

APPEARANCES:

for the employers.—Shri J. G. Kumaramangalam, Dy. General Manager, National Coal Development Corporation. Shri S. Vasiuddin, Law Officer, National Coal Development Corporation. Shri S. N. Sahgal and Shri R. G. Mahendru.

For the workmen in Reference No. 37 of 1960.—Shri Gulab Gupta, and Shri Vidyarthi Pandey, Vice-Presidents, Chhattisgarh Colliery Workers' Federation.

For the workmen in Ref. No. 3 of 1961—Shri Mahesh. Desai and Shri Hardeo Singh, General Secretary, Korea Koyla Mazdoor Panchayat.

STATE: Madhya Pradesh.

INDUSTRY: Coal.

AWARD

By an arbitration agreement dated 23rd November, 1960, made under the provisions of section 10A of the Industrial Disputes Act, 1947 (Act XIV of 1947), the management of the Kurasia Colliery of the National Coal Development Corporation and its workmen, represented by the Chhattisgarh Colliery Workers' Federation, agreed to refer to my arbitration the industrial dispute in respect of the following matter, namely,

"Payment of 12½ per cent. increase in the wages of workmen of Kurasia Colliery in term of para 2 of Korea Award *w.e.f.* 1st November, 1947, to 26th May, 1956".

Thereupon, the Central Government, in compliance with the directions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947, (Act XIV of 1947), by order No. F. No. 4/85/60LR.II, dated 3rd December, 1960, published the said arbitration agreement in the Gazette of India Part II section 3 sub-section (ii) dated 10th December, 1960.

2. By a subsequent arbitration agreement entered into under the provisions of section 10A of the Industrial Disputes Act, 1947 (Act XIV of 1947), the management of the Kurasia Colliery of the National Coal Development Corporation and its workmen, represented by the Korea Koyla Mazdoor Panchayat, also agreed to refer the industrial dispute between them in respect of the same matter to my arbitration and under the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (Act XIV of 1947), the said arbitration agreement was published by the Government of India by Order No. F.4/85/60-LR.II, dated 24th January, 1961, in the Gazette of India, Part II Section 3 sub-section (ii), dated the 28th January, 1961.

3. Thereafter, notices were issued by me as Arbitrator to the parties aforesaid to file their written statements. The Chhattisgarh Colliery Workers' Federation and the Korea Koyla Mazdoor Panchayat filed their written statements of claim, on 26th December, 1960, and 16th February, 1961, respectively. The management of the Kurasia Colliery represented by the National Coal Development

Corporation, filed its written statements in reply dated 16-1-1961 and 8-3-1961, respectively.

4. The hearing of the dispute was thereafter fixed at Ranchi on 27th March, 1961, when the Chhattisgarh Colliery Workers' Federation filed a supplementary statement.

5. The dispute was heard at Ranchi on 27th and 28th March, 1961, when the representatives of both parties filed a number of documents and made their submissions. As both the arbitration agreements relate to the same subject matter and were heard together, they are being disposed off by a single Award.

6. After a careful investigation of the dispute I hereby make the following award:—

"I award that only the daily rated weekly paid workmen of the Kurasia Colliery, and not its monthly rated workmen whose wages are governed by the Central Civil Services (Revision of Pay) Rules, 1947 as amended from time to time, are entitled to the payment of the increase of 12½ per cent in their wages in terms of paragraph 2 of the Korea Award, with effect from the following dates:—

- (i) All employees not covered by clause (1) but covered by clause (2) of the Korea Award, except the monthly rated workmen governed by the Central Civil Services (Revision of Pay) Rules, 1947 as amended from time to time, who were drawing up to Rs. 30 per mensem and were in the employ of the Kurasia Colliery on November 1, 1947, will be given 12½ per cent increase in their basic wages from 1st November, 1947 to 26th May, 1956.
- (ii) All such employees who subsequently joined service of the Kurasia Colliery between the two dates mentioned above and were drawing basic wages below Rs. 30 will also be given 12½ per cent increase from the date of their employment.
- (iii) All such employees drawing above Rs. 30 as basic wages who were in service on November 1, 1947, will be given 12½ per cent increase in basic wages from March 1, 1949.
- (iv) All such employees who joined the Kurasia Colliery after November 1, 1947 and were drawing more than Rs. 30 as basic wages will be given 12½ per cent increase in their basic wages from March 1, 1949, or the date of their employment, whichever is later.

The benefit of this increase in basic wages will also be proportionately paid to such workmen in respect of payments relating to:—

- (1) dearness allowance
- (2) quarterly bonus and
- (3) overtime earnings.

That such workmen will also be entitled to the benefit of neutralisation on the increased basic pay of 12½ per cent wherever applicable.

I direct that the payments under this award shall be made within 30 days of the date the workmen entitled to the same or the Union representing them, apply for payment of the same."

7. Now, therefore, I make my award in terms aforesaid and submit the same to Government as provided by sub-section (4) of section 10A of the Industrial Disputes Act, 1947 (Act XIV of 1947).

(Sd.) SALIM M. MERCHANT,

Presiding Officer,
Central Government Industrial Tribunal, Bombay and Arbitrator.

[No. 4/85/60-LRII.]

ORDERS

New Delhi, the 19th April 1961

S.O. 968.—Whereas the Central Government is of opinion that an industrial dispute exists between the manganese mines owners in the States of Maharashtra and Madhya Pradesh specified in Schedule I annexed hereto and their workmen in respect of the matters specified in Schedule II annexed hereto;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE I.

1. Shri B. Byramji, Nagpur.
2. Shri T. R. Goenka, Nagpur.
3. Messrs Goenka Mining Syndicate, Nagpur.
4. Messrs Best Minerals Private Limited, Nagpur.
5. Messrs Madhya Pradesh Industries Limited, Nagpur.
6. Messrs K. N. Poddar, Nagpur.
7. Messrs Kanhaiyalal, Balaghat.
8. Messrs Ramnath Ghanshyamdas, Tumsar.
9. Messrs Bharat Mineral Industries Private Limited, Nagpur.
10. Messrs Madhusudandas and Brothers, Tumsar.
11. Messrs Nilkanth Namdeo Dalal, Bhandara.
12. Messrs Seth Mathraprasad Isarka, Gobarwahi.
13. Messrs R. S. Seth Gopikisan Agrawal, Tumsar.
14. Messrs Shree Hanuman Mining Corporation Limited, Nagpur.
15. Shrimati Lajwanti Jiwar, Nagpur.
16. Shri K. K. Dhote, Gondia.
17. Messrs Pacific Minerals Private Limited, Calcutta.
18. Messrs R. B. Seth Shreeram Durgaprasad, Tumsar.
19. Messrs J. A. Trivedi Brothers, Balaghat.
20. Messrs D'Costa Brothers, Nagpur.
21. Shri Rameshwardas Agrawal, Katangi.
22. Shri Daya Bhimji, Tumsar.
23. Messrs Devshi Khimji and Sons, Nagpur.

SCHEDULE II.

Whether the State of Affairs in the Manganese Industry as a whole (excluding the Central Provinces Manganese Ore Company Limited) in the States of Maharashtra and Madhya Pradesh has substantially improved since the previous quarter i.e., October to December, 1959 and after the signing of the agreement on 14th December, 1959, between the Mincral Industry Association and the Rashtriya Manganeese Khadan Prantik Kamgar Sangh? If there is substantial improvement, whether the mine owners specified in Schedule I are in a position to pay bonus to the workers in their manganese mines and if so to what extent?

[No. 23/45/60-LR.II.]

New Delhi, the 20th April 1961

S.O. 969.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Messrs Associated Cement Company Limited and their workmen employed in the Kymore Lime-Stone Quarry in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the workmen employed during night-shift in the Kymore Lime-Stone Quarry of Messrs Associated Cement Company Limited are entitled to any extra allowance and if so the quantum of such allowance?

- (ii) Whether the present system of acting allowance to the workmen employed in the said quarry and acting in higher posts is satisfactory? If not, to what rates of acting allowance the workmen are entitled when acting in higher posts?

[No. 22/8/61-LRII.]

New Delhi, the 22nd April 1961

S.O. 970.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pure Golukdih Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the workmen for measuring and recording the tubs underground where the tubs are loaded and not at the pit top, is justified. If so, to what relief, if any, they are entitled from the date of the award?

[No. 2/22/61-LRII.]

S.O. 971.—Whereas the Central Government is of opinion that an industrial dispute exists between Messrs Ballarpur Collieries Company and their workmen employed in the Ballarpur Colliery in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ballarpur Colliery was justified in transferring the following 12 workmen from the post of Shot Carriers to that of drill machine mazdoors. If not, to what relief are they entitled?

1. Shri Sudhala Yella Durga
2. Shri Durga Raja Raimalloo
3. Shri Arjuna Shivshran
4. Shri Lachoo Sudam
5. Shri Budha Konda
6. Shri More Narsa Durga

7. Shri Venkatswarin Shamrao
8. Shri Narayan Kamsam
9. Shri Manikchand Ghinoo
10. Shri Rupchand Nathoo
11. Shri Linga Ankush
12. Shri Tokal Chinna Raja

[No. 1/10/61-LRII.]

S.O. 972.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the North Akashkinaree Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management were justified in terminating the services of Shri B. N. Misir, Night Guard, with effect from 26th December, 1960. If not, to what relief is he entitled?

[No. 2/82/61-LRII.]

New Delhi, the 24th April 1961

S.O. 973.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kujama Pandeberra Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Kujama Pandeberra Colliery in stopping the 26 miners, whose names are mentioned below, from doing their work with effect from 15th November, 1960 was justified. If not, to what relief are they entitled?

- | | |
|----------------------|-----------------------|
| 1. Shri Sarad Bauri | 14. Shri Rutu Majhi |
| 2. " Dharu Bauri | 15. " Bhangu Majhi |
| 3. " Rashik Bauri | 16. " Chand Majhi |
| 4. " Kanai Bauri | 17. " Dukhu Majhi |
| 5. " Khiron Bauri | 18. " Sambhu Majhi |
| 6. " Atul Bauri | 19. " Balichand Majhi |
| 7. " Habu Bauri | 20. " Rashik Majhi |
| 8. " Naru Bauri | 21. " Lakhiram Mallik |
| 9. " Hasu Bauri | 22. " Sibn Mallik |
| 10. " Badi Mudi | 23. " Sudan Muchi |
| 11. " Ratu Mudi | 24. " Debu Muchi |
| 12. " Laldeb Mudi | 25. " Bhaglu Bhuia |
| 13. " Sricharan Kora | 26. " Balva Bhuia. |

[No. 1/13/61-LR.II.]

S.O. 974.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Religara Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether, having regard to the duties performed by Shri P. K. Guha, the management of Religara Colliery was justified in placing him in clerical grade III under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Decision of the Labour Appellate Tribunal and if not, to what relief is he entitled and from what date.

[No. F. 2/88/59-LR.II.]

S.O. 975.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the North Golukdh Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether Shrimati Mako Majhiain, Hazree Kamin was stopped by the management from doing work with effect from 24th January, 1961, and if so, to what relief she is entitled?

[No. 2/74/61-LR.II.]

A. L. HANDA, Under Secy.

New Delhi, the 25th April 1961

S.O. 976.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the United Commercial Bank Limited, Jullundur City and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT:

Shri E. Krishna Murti, Central Government Industrial Tribunal.

13th April, 1961

I.D. No. 3 of 1961

BETWEEN

The employers in relation to the United Commercial Bank Limited, Jullundur City.

AND

Their workmen.

Shri R. V. Govindan—*for the management.*

Shri H. L. Parwana—*for the workmen.*

AWARD

By G.O. No. LR.II.10(156)/59, dated the 4th January, 1961, the industrial dispute, between the employers in relation to the United Commercial Bank Limited, Jullundur City, and their workmen, has been referred to this Tribunal for adjudication under Sections 10(1)(d) and 12(5) of the Industrial Disputes Act, 1947.

2. The term of reference is as follows:—

Whether the management was justified in terminating the services of Shri Mohinder Paul Loomba? If not, to what relief he is entitled?

3. It is alleged on behalf of the workman, Shri Mohinderpal Loomba, that he joined his duty on 27th May 1957 at Delhi, that he was taken into the service of the Bank as a regular probationer clerk after completion of three months' training, that he was working in the Bank satisfactorily, that he became a confirmed employee with effect from 20th March 1958, that he was served with a memo. on 21st May 1958, and asked to give an explanation that he gave an explanation, that however, without holding a proper enquiry in terms of the Sastry Award, the workmen's services were terminated unlawfully, that such termination is illegal, and that the Bank should be directed to reinstate the workmen together with back wages.

4. The contention on behalf of the Bank is, that it is not true, that the workman was a confirmed employee in terms of the Sastry Award, that he was on probation, that he was warned on 1st April 1958, for unsatisfactory work, and behaviour, that on 21st May 1958, the workman and another clerk, Shri L. N. Sharma were found indulging in a physical fight on the premises of the Bank, that Shri Loomba was suspended from service, that he was asked to give an explanation, that the management found on investigation, that the fighting did take place, that the Bank was entitled to dismiss Shri Loomba, that it merely terminated his services that such termination is legal and justified, and that the workman is not entitled to any relief.

5. Both parties stated before me, that the issue is as in the term of reference.

6. This is a dispute between the management of United Commercial Bank Limited, Jullundur City and their workman, Shri Mohinderpal Loomba, the said dispute having been taken up by the Punjab Bank Employees Federation, 2735, Lakkar Bazar, Ambala Cantt.

7. Both parties have dispensed with oral evidence. No evidence has been produced on behalf of the workman, and the management have relied upon documentary evidence *vide* joint memo. filed, Ext. M/11.

8. The workman in question, Shri Mohinderpal Loomba, was an employee of the United Commercial Bank, and was working in Jullundur Branch of the Bank. Ext. M/1 is a copy of the order of appointment dated 18th May 1957. Ext. M/2

is a letter dated 1st April 1958, wherein the management stated, that in accordance with the terms of the letter, dated 18th May 1957, Shri Loomba had been posted in Jullundur Office as a clerk on probation, that he was not taking interest in his work, that his behaviour was unsatisfactory, and that he was given one month's time to show satisfactory improvement in work and conduct, and that otherwise his probation would be terminated, and that he would be relieved from service. Ext. M/3 is a copy of the letter, dated 21st May 1958 addressed to the workman. Therein the Manager stated, that it had been reported to him, that on that day, Shri Loomba was fighting with Shri L. N. Sharma in the Bank premises at about 9.55 A.M., and that the workman should immediately explain why disciplinary action should not be taken against him. Ext. M/7, dated 23rd May 1958 is the explanation of Shri Loomba, wherein he asserted, that there was no breach of discipline, and that there was no question of taking any disciplinary action against him. Ext. M/9, dated 3rd June 1958, is a letter of the Bank placing Shri Loomba under suspension under instructions from the Head Office. Ext. M/10, dated 12th June 1958, is the letter of termination of service. The Manager wrote therein, that Shri Loomba's services were terminated in terms of the letter of appointment dated 18th May 1957, and that he would be given the salary earned by him plus 14 days emoluments in lieu of notice, applicable to temporary employees. It will thus be seen, that the services of the workman, Shri Loomba were terminated by the Bank by letter, dated 12th June 1958.

9. The contention on behalf of the workman is, that such termination is unlawful and unjustified, that it is against the provisions of the Bank Award, and that therefore, the order of discharge must be set aside, and that the workman should be reinstated in service, together with suitable relief. In the first place, the contention on behalf of the Bank is, that no exception can be taken to the termination of service of Shri Loomba, because he was only a probationer, and the termination of service took place in terms of the letter of appointment. It is, therefore, contended, that no provision of the Sastry Award has been violated. In the second place, the contention put forward before me is, that in any case Shri Loomba was found fighting with Shri Sharma on the premises of the Bank, that he was guilty of misconduct, and that instead of dismissing him from service his services were terminated.

10. First taking the contention, that Shri Loomba was only a probationer at the time of termination of service, and that the management of the Bank were entitled to terminate the services of a probationer, without assigning any reason, it is necessary to refer to the terms of appointment in Ext. M/1. It is stated therein, that Shri Loomba was taken up for training as a probationer for a period of three months. He was to be paid an allowance of Rs. 100 per mensem during the period of training. Paragraph 4 is to the effect, that the Bank had the right to terminate his training at any time without notice, and without assigning any reason whatever. The Bank had a discretion to extend the period of training for any period. Paragraph 7 is as follows:—

"On the satisfactory completion of your training as aforesaid, the Bank will be entitled, in its sole discretion, to post you as a Clerk on probation for a period not exceeding nine months at any of its proposed Branches in the Punjab on the minimum emoluments applicable under the Award of the All India Industrial Tribunal (Bank Disputes) as modified by Government, and you will bind yourself to work at any such Branch on the said terms."

There is an endorsement of Shri Loomba on Ext. M/1 dated 27th May 1957, that he accepted the terms of the appointment letter. The contention on behalf of the Bank is, that in terms of the letter Ext. M/1, the period of probation was 9 months, that Shri Loomba was posted as a clerk in Jullundur after completion of training only on 20th September 1957, that the probation period of 9 months expired on 20th June 1958, that his services were terminated even before the period of probation expired on 12th June 1958, and that the Bank had the right to terminate the services of a probationer without assigning any reason. This contention on behalf of the Bank cannot be upheld, in face of the provisions of the Sastry Award. Paragraph 495 of the Sastry Award makes provisions for probationers. It is stated therein as follows:—

"We respectfully agree with the said direction and direct that ordinarily the period of probation should not exceed 6 months. However, in case of persons whose work is not found to be quite satisfactory during the said period but who are likely to improve and give satisfaction if a further opportunity is given to them, the period may be extended by three months provided due notice in writing is given to them and their consent in writing is obtained before the extension of their period of probation. In all other cases probationers after the

expiry of the period of six months should be deemed to have been confirmed, unless their services are dispensed with on or before the expiry of the period of probation. We further direct, that on a candidate's appointment as a temporary employee, a probationer or a permanent member of the staff, the bank shall give him a written order specifying the kind of appointment and the pay and allowances to which he would be entitled and that such a written order shall be given on the appointment of a part-time employee also."

It is, therefore, clear from the award, that normally the period of probation should not exceed 6 months, but wherever the Bank wanted to extend the period of probation, a notice in writing had to be given to the workman, and his consent in writing had to be obtained before the extension of the period of probation. On the facts of the present case, there was a period of training for three months. It is admitted in paragraph 3 of the statement of claim, that in terms of clause V of the letter of appointment Shri Loomba was taken into the service of the Bank as a regular probationer clerk, after the completion of his training as an apprentice, and that he joined his post as a clerk at Jullundur Office on 20th September 1957. The period of training of three months after the workman joined the Bank, was apparently extended and he was not posted as a clerk till 20th September 1957. The fact remains, and it is common ground, that he began to work as a clerk only from 20th September 1957. Therefore, his probation as a clerk started from 20th September 1957. According to Paragraph 495 of the Sastry Award, the period of probation was not to be extended beyond six months in the ordinary course. Therefore, the six months period expired on 20th March 1958. The provisions in Paragraph 495 of the Sastry Award are, that, if the Bank wanted to extend the period of probation, then notice to this effect was to be given to the workman, and his consent in writing had to be obtained. No document has been produced on behalf of the Bank to prove the same. Even taking Ext. M/2 into account, which is dated 1st April 1958, the workman was given one month's time. This expired on 30th April 1958, or in any case on 3rd May 1958, which is the date found under Shri Loomba's signature on Ext. M/2. Even at the worst, it cannot be contended, that the period of probation, according to the Sastry Award, extended beyond 3rd May 1958. There was no extension of the period of probation thereafter. When there was no such extension, the workman should be deemed to have been confirmed unless his services were dispensed with on or before the expiry of the period of probation by reason of the Paragraph 495 of the Sastry Award. The letter of termination of service is dated 12th August 1958. When the probation period of Shri Loomba expired on 30th April 1958, and when the same was not extended, he must be deemed to have satisfactorily completed his probation by 3rd May 1958. Thereafter he was a permanent clerk, who must be deemed to have been confirmed in the Bank's service. It is abundantly clear, that Shri Loomba was not a probationer in any case after 3rd May 1958, and that he was a confirmed employee of the Bank after that date.

11. In this connection the Bank has relied upon Ext. M/10, and it is contended, that Shri Loomba was not a permanent employee, but only a temporary employee. He was paid 14 days emoluments in lieu of notice, as applicable to temporary employees. This action taken by the Bank is contrary to the provisions of the Sastry Award in Paragraph 508. The said Paragraph deals with classification of employees into (a) permanent employees, (b) probationers, (c) temporary employees, and (d) part-time employees. A "temporary employee" is defined to mean an employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature. In view of the definition of "temporary employee", as given in the Award, it is futile to contend, that Shri Loomba should be classed as such. There is no satisfactory proof on behalf of the Bank, that Shri Loomba was appointed in accordance with the terms contained in the said definition. It is perfectly clear, that Shri Loomba was not a temporary employee, and the provisions relating to temporary employees cannot be applied to him. I find, that Shri Loomba was a permanent and confirmed employee, at least from 3rd May 1958, and that he was entitled to all the advantages available to permanent and confirmed employees from that date.

12. The management of the Bank were not entitled to terminate the service of Shri Loomba on 12th June 1958, on the ground, that he was a mere probationer, without assigning any reason. This contention on behalf of the Bank is untenable, and must be over-ruled.

13. In the second place, the plea of the Bank is, that Shri Loomba was guilty of misconduct, and that, therefore, his removal is lawful and justified. I have referred to Ext. M/3, wherein the Manager called upon him for explanation, on

the ground, that it had been reported to him that he and Shri L. N. Sharma had fought on the Bank premises. In his explanation, Ext. M/7, it is stated by Shri Loomba, that on 21st May 1958, when he entered the Bank, he found Shri Mohinderpal and Shri L. N. Sharma quarrelling and talking loudly. Shri Sharma was using abusive language. Shri Loomba requested him not to use abusive language. At this Shri Sharma became furious, and picked up a jug and threw it at the head of Shri Loomba, and thereupon his forehead became injured, and blood came out. Shri Loomba denied, that he fought with Sharma, and stated, that he merely requested Shri Sharma not to use abusive language.

14. On behalf of the Bank statements of certain clerks who are said to have been present at the time of the fight, have been produced. Ext. M/4 is the statement of Shri J. K. Gupta, and therein he mentioned, that Sarvashri Loomba and Sharma started fighting, and that other members of the staff attracted by the noise separated them. Shri Surjeet Kumar Uppal mentioned in Ext. M/5, that he saw Sarvashri Loomba and Sharma fighting, and that others tried to separate them. In Ext. M/6 Shri Mohan Lal Kapoor stated, that Sarvashri Loomba and Sharma fought in the Bank's premises, and that he was present at the moment, and that he himself took no part in it. Ext. M/8 is the statement given by Shri Sharma, and he stated, that Shri Loomba slapped him, and also attacked him with his hands and legs. These statements are all addressed to the Manager of the Bank, and they are all relied upon for the purpose of proving, that in fact Sarvashri Loomba and Sharma fought with each other on the premises of the Bank. It is alleged in the written statement filed on behalf of the Bank, that Sarvashri Sharma and Kapoor submitted their resignations which were accepted by the Bank.

15. The contention on behalf of the workman is, that no reliance can be placed upon the above documents, that these are not statements which were given in the presence of Shri Loomba, and that there was no enquiry in accordance with Paragraph 521 of the Sastry Award. Paragraph 521 lays down the procedure for taking disciplinary action. Under Paragraph 521(4)(c) drunkenness or riotous or disorderly or indecent behaviour on the premises of the Bank amounts to gross misconduct. If the workman was, after a proper enquiry, found guilty of misconduct, on the ground of his fighting on the premises of the Bank, he would certainly not be entitled to complain of the action taken by the Bank. But it must be confessed, that the management did not observe the proper procedure as laid down in the Bank Award in taking disciplinary action against Shri Loomba. Even though a charge-sheet was served on Shri Loomba, and an explanation was obtained from him, no enquiry was held in accordance with the procedure prescribed in the Bank Award. No witnesses were examined in his presence, and no opportunity was given to him, to defend himself against the charge. Paragraph 521(10) lays down the procedure for taking disciplinary action. It is expressly provided, that there should be an enquiry, and that the workman should be permitted to be defended by a representative of the Union. It is clear, that the persons from whom statements were taken, as referred to above, were not examined in the presence of Shri Loomba. Neither was he permitted to cross-examine them. In short, the procedure under the Bank Award was not followed. In such circumstances, the contention on behalf of the workman, that the disciplinary action taken against him, is not in accordance with the procedure prescribed in the Bank Award is well founded. The reply on behalf of the Bank that, because the workman was only a probationer, it was not necessary to follow the procedure prescribed, is not tenable. The plea raised in the written statement, that, as Shri Loomba was a probationer, and, therefore, no further formality on the Bank's part was needed as regards his dismissal, cannot be sustained, when, as found above, he was a permanent and confirmed employee from and after 3rd May 1958. Therefore, the termination of service of the workman, without enquiry and without observing the procedure prescribed in the Bank Award, is against the principles of natural justice, and cannot be sustained. Apart from this such termination is not lawful, and cannot be upheld, on the evidence on record in this case.

16. The question, however, is about the relief, to which the workman is entitled. In my opinion, this is not a case for reinstatement of the workman. Even on the explanation tendered by Shri Loomba, it is clear, that there was some kind of incident on 21st May 1958. The workman has given his version of the incident, that Shri L. N. Sharma threw a jug at his head. There cannot be any doubt, that there was an incident on 21st May 1958, in which Shri Loomba was involved. I do not find it expedient or desirable to order reinstatement of the workman in the circumstances of the case. He is entitled at best only to compensation. It is fair and reasonable to grant him compensation of three months' salary and allowances. This is the compensation prescribed in Paragraph 505 of the Award, when the Bank feels that the employee cannot be

continued in its service. I find, that Sri Loomba is not entitled to reinstatement, but that the Bank should pay him three months' salary and allowances at the rate at which he was drawing the same at the time of termination of his service.

17. In the result, an award is passed as follows:—

- (i) Shri Mohinderpal Loomba is not entitled to reinstatement.
 - (ii) The management of the United Commercial Bank Limited, Jullundur City, shall pay to Shri Mohinderpal Loomba three months' salary and allowances, calculated at the rate at which he was drawing the same on 12th June 1958.
 - (iii) There will be no order as to costs.
- (Nine pages)
The 13th April, 1961.

(Sd.) E. KRISHNA MURTI,
Central Government Industrial Tribunal, Delhi.
[No. 10(156)/59-LRIV.]

ORDER

New Delhi, the 19th April 1961

S.O. 977.—Whereas the employers in relation to the Bombay Port Trust, Bombay and the Bombay Port Trust General Workers' Union have jointly applied to the Central Government for reference of an industrial dispute to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Bombay Port Trust General Workers' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the B.P.T. General Workers' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application is hereby made under section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Bombay Port Trust (Sd.) General Secretary, B.P.T. General Workers' Union.
Dated the 28th March, 1961

Signature of the Principal
Officer of the Corporation.

(Sd.) Illegible.
Secretary.

G. H. KALE,
(Sd.) President, B.P.T. General Workers' Union.
S. MAITRA,

Statement required under rule 3 of the Industrial Dispute (Central) Rules, 1957 to accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947

(a) Parties to the dispute including the name and address of the establishment or undertaking involved:

- (1) The Trustees of the Port of Bombay, Port Trust Administrative Offices, Ballard Road, Bombay-1.
- (2) The Bombay Port Trust General Workers' Union, Kavarana Bldg., 26, Frere Road, Bombay-9

(b) Specific matters in dispute:

Whether the orders of the Deputy Conservator treating appointments to posts of Engine Drivers on the tugs "Raja", "Raman", "Rahul" and "Rudra" under the

Diesel Training Scheme as appointments to temporary vacancies within the meaning of Clause (8) of para 31 of the Award in Reference 5 of 1957, and thereby reverting Engine Drivers, 1st Class, to Engine Drivers, 2nd Class, should be cancelled with retrospective effect from the dates of such reversion and such appointments be treated as permanent appointments subject only to the claims of crews of steam vessels undergoing diesel training.

(c) Total number of workmen employed in the undertaking affected:

about 23,000

(d) Estimated number of workmen affected or likely to be affected by the dispute: 65

(e) Efforts made by the parties themselves to adjust the dispute:

Parties held discussions mutually as well as before the Regional Labour Commissioner (C), Bombay, but no settlement could be reached.

(Sd.) Illegible.
(Signature of the Principal
Officer of the Corporation.)

G. H. KALE,
(Signature of the President,
B.P.T. General Workers' Union.)

Sd. Illegible.

Secretary,

Bombay Port Trust.

S. MAITRA,
(Signature of the General Secretary,
B.P.T. General Workers' Union.)

[No. 28/7/61-LRIV.]

G. JAGANNATHAN, Under Secy.

